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October 17, 2023

Via ECF & E-Mail <Failla_NYSDChambers@nysd.uscourts.gov>

The Honorable Katherine Polk Failla
United States District Judge
United States District Court, Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: Joint Status Report Regarding Settlement In Principle, Plaintiffs'
Withdrawal of Motion to Remand To State Court, and
Plaintiffs' Request for Leave to Amend Complaint
Case Name: *Jorge Flores Barroso v. Table 87 Gowanus NYC LLC, et al.*
Case No.: 23-cv-04864 (KPF)**

Dear Judge Failla:

This law firm represents named plaintiff Jorge Flores Barroso and a putative class of similarly situated individuals (collectively, "Plaintiffs") in the above-referenced case. The parties jointly write to report that they have reached a settlement in principle to resolve this case. The parties anticipate that the settlement documents, including, the settlement agreement and Plaintiffs' motion requesting Court approval of the settlement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), will be filed by November 10, 2023.

In light of the parties' settlement in principle, Plaintiffs hereby withdraw their Motion to Remand this case to State Court (ECF Doc. 12). Additionally, in furtherance of the settlement of this case and to facilitate the Court's review of Plaintiffs' forthcoming motion seeking Court approval of the settlement pursuant to *Cheeks*, Plaintiffs respectfully request leave to amend their Complaint to add a federal cause of action under the Fair Labor Standards Act ("FLSA") seeking recovery of alleged unpaid minimum and/or overtime wages. Plaintiffs anticipate that they will file such Amended Complaint by October 27, 2023. Defendants consent to Plaintiffs' instant request for leave to file an Amended Complaint to add an FLSA cause of action in furtherance of the settlement of this case.



The parties thank the Court for its time and consideration.

Respectfully submitted,
VIRGINIA & AMBINDER LLP

By: /s/ Leonor Coyle, Esq.
Leonor Coyle, Esq.

cc: Alexander Leong, Esq., Defendants' attorney (via ECF & E-Mail)

Application GRANTED. Plaintiffs shall file their amended complaint on or before **October 27, 2023**. The parties shall thereafter file all necessary settlement documents on or before **November 10, 2023**.

The Clerk of Court is directed to terminate the pending motion at docket number 12.

Dated: October 19, 2023
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE